

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

FILED  
ASHEVILLE, NC

JUN 15 2012

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 HARLAND LAVERN SQUIRREL, )  
 Defendant )

Docket No.: 2:12cr7

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ORDER ON DEFENDANT'S MOTION FOR *IN CAMERA* REVIEW

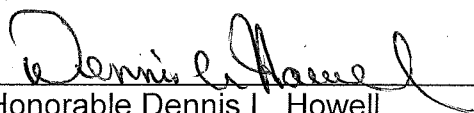
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BEFORE THE COURT came Defendant on his Motion for *In Camera* Review of the personnel record of State Bureau of Investigation Special Agent Christopher Smith. The Court first heard this matter on May 23, 2012. At that time the Court ordered counsel for Defendant to issue a subpoena *duces tecum* for the personnel record he wished the Court to examine, to file a memorandum of law in support of his motion, and reset the matter for June 12, 2012. Pursuant to the Court's Order, counsel for Defendant had issued and served the subpoena *duces tecum* on Assistant Director Marshall Tucker of the State Bureau of Investigation through one of that agency's attorneys, John Watters, Esquire. After consultation between Mr. Watters and counsel for Defendant, it was agreed that all materials relevant to Defendant's motion were copied and mailed directly to this Court for its *in camera* review.

The Court conducted its *in camera* review and hereby GRANTS Defendant's motion as to those documents which the Court found to be relevant and discoverable. As to those documents provided to both counsel for Defendant and the Government the Court issues the following conditions:


1. The documents provided to the Government and Counsel for Defendant are confidential records and shall remain as such. All documents and copies made by both sides are to be returned to the Court at the conclusion of this matter;
2. Neither party shall disseminate any of the contents of the documents with any third party not directly related to the prosecution or defense of this case;
3. None of these documents provided or their contents may be used in any other proceeding of any nature;
4. Defendant may review these documents but may not be provided a copy. This condition is consistent with the Open File Policy in this district;
5. Special Agent Christopher Smith may review these documents to prepare for direct examination or cross-examination but may not be provided a copy;
6. Copies may only be made where necessary in the prosecution or defense of this action, such as for review by any expert witness. Otherwise there is to be no copying of these documents or dissemination of their contents without prior permission from the Court.

SO ORDERED AND ADJUDGED this, the 15 day of June 2012.

  
Honorable Dennis L. Howell,  
United States Magistrate Judge

Consented to:

  
Rich Cassady, Esquire  
Attorney for Defendant

  
Don Gast, Esquire  
Assistant United States Attorney

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